

Remarks

In the subject Action, the Examiner rejected claims 1-8 and 10 under 35 U.S.C. 102(3) as being anticipated by the cited patent to Davis. Applicant respectfully traverses this rejection and requests reconsideration for the reasons set forth below.

Among other things, claim 1 recites arranging the lower body support to extend generally horizontally outward beneath the upper body support and forward of the seat. The Davis foot pedals do not meet this limitation.

Claim 1 also recites constraining the upper body support and the lower body support to pivot toward one another, and in respective, opposite directions relative to both the frame and the seat. No such constraint is taught or suggested by the Davis patent.

Claim 1 further recites sitting on the seat and exercising one's abdominal muscles by performing any combination of pushing the upper body support downward relative to the seat and lifting the lower body support upward relative to the seat. Applicant does not see how a person can sit on the Davis seat and exercise his abdominal muscles, let alone do so in the manner set forth in claim 1. Among other things, it appears that the Davis back support is pivoted upward relative to the seat, and the Davis foot pedals are pivoted downward relative to the seat.

With regard to claim 2, Applicant respectfully submits that the Davis foot pedals are not provided with upper and lower foot engaging portions configured and arranged to accommodate a person's

feet therebetween, nor does the Davis patent teach or suggest placing one's feet on top of the lower foot engaging portions and beneath the upper foot engaging portions. To the contrary, it appears that the Davis foot pedals provide simple platforms against which a person pushes with his feet.

With regard to claim 3, Applicant respectfully submits that the Davis patent does not teach or suggest providing a universal joint in an intermediate portion of the upper body support, nor the step of rotating an upper portion of the upper body support about multiple non-parallel axes relative to a lower portion of the upper body support while pushing downward on the upper body support. Moreover, it does not appear that any part of the Davis device is capable of pivoting about multiple non-parallel axes.

With regard to claim 6, Applicant respectfully submits that the Davis patent does not teach or suggest both (1) interconnecting a resistance device between the frame and the upper body support, as recited in claim 5; and (2) disposing the resistance device entirely beneath a planform defined by the seat, as recited in claim 6 (which depends from claim 5). To the contrary, the most relevant Davis resistance device from a position rearward of the seat to a point on the upper body support that is even more rearward of the seat.

With regard to claim 7, Applicant respectfully submits that the Davis patent does not teach or suggest arranging each said pivot axis to extend beneath a planform defined by the seat. In this regard, the Davis foot pedals pivot about an axis that is

forward of the seat, and the Davis back support pivots about an axis that is rearward of the seat.

With regard to claim 8, Applicant respectfully submits that the Davis back support is not configured and arranged to accommodate a person's legs on opposite sides thereof, nor does the reference teach or suggest sitting on the seat and straddling the back support.

With regard to claim 10, Applicant respectfully submits that the Davis patent does not teach or suggest providing any sort of lower distal end on the back support that extends rearward of the back support pivot axis and beneath a planform defined by the seat, nor interconnecting a resistance device between the frame and the lower distal end. To the contrary, it appears that the no part of the Davis back support assembly extends beneath the planform of the seat, and the most relevant resistance device is connected to an intermediate portion of the back support assembly.

Having responded to the subject Action, Applicant respectfully requests reconsideration and allowance of the subject application. Should any issues remain unresolved, the Examiner is always welcome to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

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